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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4197 OF 2005

New Education Society ... Petitioner

V/s.

Sarita Mukund Kelkar ... Respondent

Mr.K.S. Bapat for Petitioner
Mr.A.M. Joshi for Respondent

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **OCTOBER 7, 2005**

P.C.:

. The Petitioner has challenged the judgment and order dated 11.3.2005 in appeal No.21 of 2004 before the School Tribunal. The grounds raised in the Petition is that this order has been passed without considering the Petitioner's reply which was filed after the ad-interim order was passed. Reliance is placed on the judgment in the case of *Maharashtra Shikshan Sanstha v/s. Education Officer, Nagpur,* **1995 II CLR 62** to urge that the Tribunal has not considered the observations of this Court while passing orders for interim relief.

2. Heard advocates. A perusal of the impugned order indicates that the School Tribunal has not considered whether Respondent No.1 has been able to make

out a prima facie case for grant of interim relief after the Petitioner had filed its affidavit. There is no discussion about the pleadings at all in this order and therefore, it is required to be set aside.

3. The learned Advocate appearing for Respondent No.1 states that the appeal has already been fixed before the School Tribunal on 13.10.2005. In this view of the matter, the School Tribunal is directed to hear and dispose off the appeal within 6 weeks from today. In the event an order adverse to the Petitioner is passed by the School Tribunal, the same need not be implemented for a further period of two weeks.

4. Writ Petition is disposed off in the above terms.